

To: Maier, Brent[Maier.Brent@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]
From: Quast, Sylvia
Sent: Fri 8/14/2015 9:24:10 PM
Subject: Senator Heinrich's office query about claims process

Hi Brent and Carolyn,

I just received an inquiry from Ernesto Rodriguez in Senator Heinrich's office about the claims form issue identified below. Specifically, he has heard from the Navajo AG that people are being asked to sign forms waiving their claims. I told him about the information on the website about the issue, but he said that the Navajo want to hear "from the top" what EPA is saying about this. I told him that I was certainly not the top, but that I would have you guys get in touch with him right away. His email is Ernesto.Rodriguez@heinrich.senate.gov and his phone number is 202-228-1609. Please let me know that you got this and will be responding to him.

Thanks,

Sylvia (Regional Counsel in Region 9)

From: Maier, Brent
Sent: Thursday, August 13, 2015 3:09 PM
To: Quast, Sylvia; Manzanilla, Enrique; Yogi, David; Allen, HarryL; Harris-Bishop, Rusty; Robberson, Bill; Minor, Dustin
Cc: Keener, Bill; Zito, Kelly; Higuchi, Dean; Calvino, Maria Soledad
Subject: EPA Statement on Gold King Mine EPA Claims Issue in Press

Here is what OCIR's Carolyn Levine sent me which I have shared with Congressman Paul Gosar's office that had sent me an earlier inquiry on this issue.

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

From: Levine, Carolyn
Sent: Thursday, August 13, 2015 2:04 PM
To: Maier, Brent
Subject: RE: Congressman Paul Gosar Inquiry on Gold King Mine EPA Claims Issue in Press

Hi Brent,

Here is the approved HQ-EOC response:

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

"Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property."

Carolyn Levine

Office of Congressional and Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov

From: Maier, Brent
Sent: Thursday, August 13, 2015 3:51 PM
To: Levine, Carolyn
Subject: RE: Congressman Paul Gosar Inquiry on Gold King Mine EPA Claims Issue in Press

Carolyn –

Thanks for your note. I need to be on the next Gold King Mine call with Congressional offices at 1:00pm PT.

I am hopeful that we can address in a statement I can send back to Gosar's office addressing the specifics raised in the links related to the EPA staff and claims. The Congressman's office has asked me to respond as soon as I can, so hopefully you will hear from your HQ colleagues soon. Thanks for your help with this.

Brent Maier

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From: Levine, Carolyn

Sent: Thursday, August 13, 2015 12:12 PM

To: Maier, Brent; Vaught, Laura; Quast, Sylvia; Manzanilla, Enrique; Yogi, David; Snyder, Raquel; Allen, HarryL; Harris-Bishop, Rusty; Robberson, Bill

Cc: Higuchi, Dean; Keener, Bill; Zito, Kelly

Subject: RE: Congressman Paul Gosar Inquiry on Gold King Mine EPA Claims Issue in Press

Brent,

We have several inquiries about the claims process, so let's coordinate on this. I am waiting for response from HQ.

Carolyn Levine

Office of Congressional and Intergovernmental Relations

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From: Maier, Brent

Sent: Thursday, August 13, 2015 3:02 PM

To: Vaught, Laura; Quast, Sylvia; Manzanilla, Enrique; Yogi, David; Snyder, Raquel; Levine, Carolyn; Allen, HarryL; Harris-Bishop, Rusty; Robberson, Bill

Cc: Higuchi, Dean; Keener, Bill; Zito, Kelly

Subject: Congressman Paul Gosar Inquiry on Gold King Mine EPA Claims Issue in Press

Importance: High

Congressman Paul Gosar's office is asking for a response from me to the claims made in the links provided. Do we have a response that I can share back with the Congressman's office who is being asked for a comment on this issue? I would like to respond back to the Congressman's office as soon as possible. Thanks.

Brent Maier

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From: Small, Jeff [<mailto:Jeff.Small@mail.house.gov>]

Sent: Thursday, August 13, 2015 11:44 AM

To: Maier, Brent

Subject: RE: U.S. EPA - EPA Administrator Gina McCarthy Holding Media Availability in Farmington, NM and Statement on Colorado data from Gold King Mine Release

Hey Brent,

Good talking to you.

The Congressman would like a response to this claim if possible as we are now getting press inquiries:

"The U.S. Environmental Protection Agency is offering immediate reimbursements for damages from the Gold King Mine water contamination in exchange for waiving rights

for future claims."

<http://www.navajonsn.gov/News%20Releases/OPVP/2015/aug/Operation%20To%20Litso.pdf>

There is already a quote from Chairman Bishop on this matter in this Washington Times Article.

<http://www.washingtontimes.com/news/2015/aug/12/indians-say-epa-trying-swindle-them-mine-spill/>

Here's another article I found:

<http://www.hnqn.com/articles/118861/20150812/navajo-nation-epa-trying-cheat-over-mine-spill-plans-sue.htm>

Our press guy also just informed me when I got off the phone that we now also have an inquiry from a reporter asking for a comment from the Congressman.

Obviously, we would like to have the facts before responding to the reporter.

Please let me know as soon as you can what the facts are if you would.

Thanks again for taking my call.

Sincerely,

Jeff Small

Legislative Director

Congressman Paul A. Gosar, D.D.S.

Arizona's 4th District

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